

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

MUKESH KUMAR, KESHAV KUMAR,
DEVI LAAL, NIRANJAN, PAPPU,
BRAJENDRA, MAHENDRA KUMAR,
SHYAM SUNDER, PREM SINGH, BABLU,
CHHAIL WIHAREE, RAMKISHAN,
HARENDRA, LAUXMI NARAIN, RAMA
RAM, UMESH CHAND, VIJENDRA
SINGH, RAMESH KUMAR, DEVA RAM,
RUPA RAM, and KHIMA RAM REBARI, *on
behalf of themselves and all
others similarly situated,*

Plaintiffs,

v.

BOCHASANWASI SHRI AKSHAR
PURUSHOTTAM SWAMINARAYAN
SANSTHA, INC.,
BAPS MERCER LLC,
BAPS ROBBINSVILLE LLC,
BAPS FELLOWSHIP SERVICES, INC.,
BAPS ATLANTA, LLC,
BAPS CHINO HILLS, LLC,
BAPS DEVELOPMENT, INC.,
BAPS HOUSTON, LLC,
BAPS CHICAGO, LLC,
BAPS BOCHASANWASI SHRI
AKSHARPURUSHOTTAM
SWAMINARAYAN SANSTHA (an India
Public Trust),
BHARAT PATEL, PANKAJ PATEL, KANU
PATEL, RAKESH PATEL, HARSHAD
CHAVDA, and SWAMI PRASANAND,

Defendants.

Civil Action No. 3:21-cv-11048-AET-TJB

DEFENDANTS' CONSENT MOTION TO STAY

With the consent of the Plaintiffs, Defendants Bocharanwasi Shri Akshar Purushottam Swaminarayan Sanstha, Inc. (“BAPS”), BAPS Mercer LLC, BAPS Robbinsville LLC, BAPS Fellowship Services, Inc., BAPS Atlanta, LLC, BAPS Chino Hills, LLC, BAPS Development, Inc., BAPS Houston, LLC, BAPS Chicago, LLC, Bharat Patel, Pankaj Patel, Kanu Patel, Rakesh Patel, and Prashant Darshan Das Sadhu (misnamed in the First Amended Complaint as “Swami Prasanand”) (collectively, “Defendants”) move for a stay of this civil action as required by the Trafficking Victims Protection Act (“TVPA”), 18 U.S.C. § 1595(b)(1).

Plaintiffs’ First Amended Complaint (ECF No. 20) alleges, among other things, that Defendants violated Section 1595(a) of the TVPA. The TVPA provides that “[a]ny civil action filed under subsection (a) shall be stayed during the pendency of any criminal action arising out of the same occurrence in which the claimant is the victim.” 18 U.S.C. § 1595(b)(1). As set forth in the accompanying Memorandum in Support of this Motion and the Stipulation between the Parties, there is an ongoing federal criminal investigation arising out of the same or substantially similar occurrences and allegations which are the basis of this civil action and the First Amended Complaint, and therefore this action is subject to a mandatory stay pursuant to the TVPA.

Defendants have conferred with Plaintiffs, have provided a copy of this Motion and Memorandum in Support in advance of filing to Plaintiffs, have entered into a Stipulation with Plaintiffs as to certain facts and certain additional procedural matters, and Plaintiffs have provided Defendants with written consent to the Motion and stay of this litigation. Defendants have also conferred with the U.S. Attorney’s Office for the District of New Jersey, which has informed Defendants that the United States does not object to a stay of this civil action pursuant to the TVPA.

Accordingly, with the consent of the Plaintiffs, Defendants respectfully request that the Court enter the attached Proposed form of Order staying this litigation until the related criminal

action has concluded as to all defendants and ordering the related matters as to which the Parties have agreed.

November 22, 2021

OF COUNSEL:

Respectfully submitted,

/s/ Paul J. Fishman

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HOUSTON, LLC, BAPS CHICAGO, LLC,
BHARAT PATEL, PANKAJ PATEL, KANU
PATEL, RAKESH PATEL, and PRASANT
DARSHAN DAS SADHU

CERTIFICATE OF SERVICE

I certify that, on November 22, 2021, I electronically filed the Consent Motion to Stay via ECF, which caused a copy to be served on all counsel of record.

/s/ Paul Fishman
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